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AD HOC COMMITTEE ON THE INDIAN OCEAN

SUMMARY RECORD OF THE 396th MEETING

Held at Headquarters, New York,
on Wednesday, 3 July 1991, at 10 a.m.

Chairman: Mr. KALPAGE (Sri Lanka)

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The meeting was called to order at 10.45 a.m.

IMPLEMENTATION OF GENERAL ASSEMBLY RESOLUTION 45/77 (continued)

(a) WORK ON THE SUBSTANTIVE AND ORGANIZATIONAL ISSUES RELATED TO THE CONFERENCE ON THE INDIAN OCEAN IN ACCORDANCE WITH RESOLUTION 45/77 (continued) (A/AC.159/L.61, L.93, L.109 and Corr.1 and Corr.2, L.110)

1. The CHAIRMAN invited the Committee to resume its consideration of the amendments to the third version of the non-paper of the Chairman of the Working Group (A/AC.159/L.93, appendix).

2. Mr. MAHMOOD (Pakistan) said that his delegation was not in favour of replacing the word "frontiers" with the word "boundaries" in the heading and second paragraph of item 2.

3. The CHAIRMAN said that the views of the representative of Pakistan would be duly recorded and included in a separate paper to be issued by the Committee at a later date.

4. Mr. NAIMI-ARFA (Islamic Republic of Iran) said that, since the ultimate goal of the peaceful settlement of disputes was to bring about peace and security, the Committee should indicate somewhere under item 4 that the aim of the peaceful settlement of disputes was to lay the cornerstone for viable peace and security.

5. The CHAIRMAN said that, when the Committee had completed its discussion of all 19 items, it would consider the proposal made by the Iranian representative.

6. There were no amendments to item 5. If he heard no objection, he would take it that the Committee accepted the wording of that item as contained in document A/AC.159/L.93.

7. It was so decided.

8. The CHAIRMAN invited the Committee to consider the amendments to item 6 proposed by India (A/AC.159/L.110, annex).

9. Mr. JAIN (India) said that the purpose of adding the word "other" before "States" in the heading and in the first paragraph was to make the wording more explicit. The insertion of "an observance of" after "respect for" in the first paragraph would bring the wording of that paragraph into line with the wording of the second paragraph of item 1. The second paragraph of item 6 did not add anything new and, moreover, the words "principle of mutual respect" had given rise to objections; that paragraph should therefore be deleted.

10. The CHAIRMAN said that, since item 9 covered the concept of mutual respect, there was no need to retain it in item 6.

11. Mr. HAGOSS (Ethiopia) agreed with the amendments proposed by the representative of India and supported the opinion expressed by the Chairman. Reference to "mutual respect" in item 6 was not only out of place; there was no such thing as a principle of mutual respect by which Member States could be bound. If some delegations wished to retain the second paragraph, he suggested that it should be reworded to read: "All States should act in a manner which enhances mutual respect among States". His delegation, however, was in favour of deleting the second paragraph.

12. Mr. MAHMOOD (Pakistan) said that the insertion of the word "other" before "States" in the heading and first paragraph of item 6 did not result in any change of meaning. His delegation was in favour of retaining the second paragraph, since the principle of mutual respect was an element that would further the establishment of the Indian Ocean as a zone of peace. Perhaps the second paragraph could be reformulated to read: "All States should act in accordance with the principle of mutual respect for each other's independence, security, sovereignty and territorial integrity in the conduct of their relations".

13. The CHAIRMAN said that the principles to which the representative of Pakistan was referring were embodied in item 9.

14. Mr. MAHMOOD (Pakistan) said that it would be useful to retain the second paragraph of item 6 in the wording that he had proposed, since the principles referred to in the first paragraph of item 9 were mentioned in a different context.

15. Mr. HAGOSS (Ethiopia) said that the insertion of the word "other" before "States" in the heading and first paragraph of item 6 was unnecessary, since it was clear that a State could not interfere in its own internal affairs. The insertion of "and observance of" after "respect for" in the first paragraph was an excellent amendment. He reiterated that, if the second paragraph was to be retained, it should be reworded.

16. Mr. MAHMOOD (Pakistan) said that the reformulation of the second paragraph as proposed by the representative of Ethiopia should be altered to read: "All States should act in a manner which enhances mutual respect among States for each other's independence, security, sovereignty and territorial integrity in the conduct of their relations".

17. The CHAIRMAN said that that concept was embodied in item 9.

18. Mr. MAHMOOD (Pakistan) reiterated that item 9 referred to those principles in a different context. Since the issue at hand was the establishment of the Indian Ocean as a zone of peace, the Committee should specify the elements necessary for establishing such a zone of peace.

19. Mr. JAIN (India) said that the insertion of "other" before "States" in the heading and first paragraph of item 6 was an editorial improvement on which he would not insist. He agreed that the idea expressed in the second paragraph of item 6 was not only fully reflected in item 9, but had its rightful place there.

20. The CHAIRMAN suggested that the word "other" should not be inserted before "States" in the heading and first paragraph of item 6.

21. Mr. ZIMBA (Mozambique) said that his delegation would have no difficulty in retaining the second paragraph as originally worded. However, since a number of delegations had expressed some concern about the paragraph, his delegation could support the formulation proposed by the representative of Ethiopia, which should be included as the second sentence of the first paragraph.

22. Mr. HAGOSS (Ethiopia) said that, if his formulation of the second paragraph was to be linked with the first paragraph, it should read: "In this regard, all States should act in a manner which enhances mutual respect among States".

23. Mr. MAHMOOD (Pakistan) proposed that the words "for each other's independence, security, sovereignty and territorial integrity in the conduct of their relations" should be added at the end of the formulation proposed by the representative of Ethiopia.

24. Mr. HAGOSS (Ethiopia) said that the additional words proposed by the representative of Pakistan were already contained in item 9. While the Committee might wish to consider subsuming item 9 under item 6, it was inadvisable to repeat the same principle under two different items.

25. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed not to insert "other" before "States" in the heading and first paragraph of item 6, to insert "and observance of" after "respect for" in the first paragraph, and to insert the following sentence at the end of the first paragraph: "In this regard, all States should act in a manner which enhances mutual respect among States".

26. It was so decided.

27. The CHAIRMAN invited the Committee to consider the amendment to item 7 proposed by India (A/AC.159/L.100, annex).

28. Mr. JAIN (India) said that the necessity of inserting "without military alliances" after "regional arrangements" was self-evident. In fact, it was his impression that those words had been inadvertently omitted.

29. Mr. HAGOSS (Ethiopia) said that the insertion of the words "without military alliances" encroached upon the sovereign right of Member States to enter into any arrangements that they wished. Since the final document of the Conference would be considered by the international community as a whole, the representative of India should not insist on the amendment.

30. Ms. COURTNEY (Australia) supported the statement made by the representative of Ethiopia. The Charter of the United Nations did not refer to the necessity of dismantling military alliances; indeed, such alliances were necessary for collective self-defence. The proposed amendments to the non-paper seemed to hinder the Committee's work rather than advance it. Unless delegations had serious difficulties with the text of the 19 items, they should be altered as little as possible.

31. Mr. MAHMOOD (Pakistan) supported the views of the representatives of Ethiopia and Australia. The Committee should adhere as closely as possible to the text of the 19 items.

32. Mr. JAIN (India) pointed out that, while the representative of Ethiopia was correct in saying that the addition of "without military alliances" might be construed as affecting a country's sovereignty, any international legal instrument to which a country was a party restricted that country's sovereignty. The establishment of universal collective security without military alliances was a basic concept of the Declaration of the Indian Ocean as a Zone of Peace, and should be reflected in item 7.

33. Ms. COURTNEY (Australia) said it was her delegation's understanding that the Committee was endeavouring to achieve consensus. She questioned the relevance of the 1971 Declaration of the Indian Ocean as a Zone of Peace, which could not substitute for international law. Her country, as a member of a military alliance, did not accept the principle that military alliances were to be dissolved.

34. The CHAIRMAN said there appeared to be a consensus that the phrase in question should not be included. He suggested that the representative of India should either modify his position or place on record his divergence from the majority view.

35. Mr. JAIN (India) said that his delegation would reconsider its position. The Committee should come back to the question at a later time.

36. Mr. AL-ALFI (Yemen) said that the Committee found itself in a difficult situation. Although the Indian proposal must be rejected for technical reasons, that did not imply that the Committee was in favour of military alliances, and that point must be made clear.

37. The CHAIRMAN said he believed that most delegations agreed with the view expressed by the representative of Yemen. With regard to item 8, no amendments had been proposed. Accordingly, if he heard no objection, he would take it that item 8 was approved, with the addition of the words "and observance of" after the words "respect for" in the second paragraph.

38. It was so decided.

39. Mr. JAIN (India) said that, with regard to item 7, he wished to draw the attention of the Committee, and especially of those who disagreed with his delegation's proposal, to the fact that item 10 referred to a system of collective security without military alliances; hence there was a basis for his delegation's proposal.

40. Mr. MAHMOOD (Pakistan) said that his delegation had no objection to item 9, and would merely add the word "security" after "territorial integrity".

41. The CHAIRMAN said that that would interfere with the Bandung formula.

42. Mr. HAGOSS (Ethiopia) urged the representative of Pakistan not to insist on the inclusion of the word "security".

43. The CHAIRMAN said that, as the representative of Pakistan did not insist on the proposal, he would take it that the Committee agreed to approve item 9 as it stood.

44. It was so decided.

45. Mr. PEERTHUM (Mauritius), referring to item 10, said that it might be advisable to begin discussion of the Chairman's statement on consultations with Member States which had left the Committee or were not participating in its work, as that discussion would have a bearing on the Committee's deliberations on the non-paper.

46. The CHAIRMAN said that items 10 to 16 dealt with issues which impinged on the Declaration and on disarmament. Accordingly, he suggested that the Committee should first consider items 17 to 19.

47. Mr. AL-ALFI (Yemen) said it had been his understanding that the statement to which the representative of Mauritius had referred was to have been discussed at the current meeting. If the Committee wished to discuss the statement, it should suspend the current discussion; however, he felt that it would be advisable to continue the discussion of the remaining items in the non-paper in the order originally agreed upon.

48. The CHAIRMAN said that the Committee had never agreed to discuss his statement at the current meeting. He had suggested that the Committee should proceed to items 17, 18 and 19 because they dealt with matters other than the Declaration and disarmament.

49. Mr. JAIN (India) said that his delegation agreed with the representative of Yemen that the Committee should conclude its consideration of the non-paper. With regard to the statement by the Chairman, while it had been submitted on the basis of paragraph 8 of General Assembly resolution 45/77, the Committee had a well-defined mandate which did not provide for its formal consideration of such matters.

50. The CHAIRMAN said that paragraph 8 of General Assembly resolution 45/77 did not refer to consultations with those Member States which had left the Committee, but to discussions of a completely different nature. Moreover, he had carried out consultations on the basis of a request made at the Committee's April 1991 session.

51. Mr. JAIN (India) said that, while he did not have the summary records of the April 1991 session before him, it was his recollection that the Committee's request to the Chairman had been based on paragraph 8 of the resolution. However, if the paragraph did not contain such a mandate, then the Committee could not authorize the Chairman to carry out such consultations.

52. The CHAIRMAN said that, at the April 1991 session, it had also been his understanding that the request had been made in accordance with paragraph 8; however, following inquiries addressed to the Secretariat, he had been informed that the paragraph referred to consultations to be held by the Chairman with Member States which were not members of the Committee but which wished to participate in its work.

53. Mr. JAIN (India) said that if the Committee had incorrectly requested the Chairman to carry out consultations, then it should either take corrective measures without delay, or decide to allow the situation to continue. It was important for the Committee not to exceed its mandate.

54. The CHAIRMAN said that if the Committee had not wanted him to carry out the consultations in question, he should have been advised accordingly.

55. Mr. AMBEYI-LIGABO (Kenya) said it was his delegation's understanding that the Chairman had been authorized to carry out consultations with the former members of the Committee. He agreed with the representative of Yemen that the Committee should proceed with its consideration of the non-paper.

56. Mr. HAGOSS (Ethiopia), after reading out rule 107 of the rules of procedure of the General Assembly, said that his delegation believed that the Chairman had acted as he had been authorized to do by the Committee. All delegations were aware of the views of the Western States which had left the Committee. The decision to leave had been taken by sovereign States. Just as it was the prerogative of those States to suspend their participation in a United Nations body, the Committee was entitled to approach them with a view to achieving harmony. While it was inappropriate for the Committee to discuss formally any decisions taken by sovereign States, if the Chairman felt that the Committee's understanding of the views of the countries concerned could be enhanced, then the matter should be discussed in informal consultations. In

(Mr. Hagoss, Ethiopia)

the meantime, he suggested that the Committee should proceed with its consideration of item 10 of the non-paper.

57. Mr. AL-ALFI (Yemen) said that he agreed with the representative of Ethiopia. His delegation believed that the Chairman's actions had contributed to the achievement of the Committee's objective, namely, ensuring the convening and the success of the Conference. As the Chairman's statement was an informal paper, it was appropriate to discuss it at an informal meeting.

58. The CHAIRMAN said he agreed that his statement should be discussed informally.

59. Mr. SHA Zukang (China) said that he, too, was unable to refer to the records of the April 1991 session; however, according to his notes, the Chairman's efforts, which his delegation appreciated, had been undertaken at the request of the Committee. He agreed that the Committee should make the best possible use of the time available to discuss the substantive issues.

60. Mr. JAIN (India) said that the Committee should not interrupt its consideration of the non-paper (A/AC.159/L.93), which pertained to the most important aspect of its work. The timing of the informal consultations could be determined once the Chairman had discussed the matter with Committee members.

61. The CHAIRMAN said that he would set a time for the informal consultations.

62. Mr. JAIN (India) said that in view of the similarity between the texts of items 7 and 10 of the non-paper, his delegation was proposing the deletion of the latter text. Those points in item 10 which were not already covered in item 7 could be incorporated in the new version of item 10, which derived directly from the 1971 Declaration, the sole basis of the Committee's work.

63. Mr. ZIMBA (Mozambique) said that the Indian delegation's amendment more appropriately belonged in item 14.

64. Mr. HAGOSS (Ethiopia) agreed with the representative of Mozambique. Item 7 asserted the right of States to individual and collective self-defence, whereas the aim of item 10 was the promotion of international cooperation and security through regional or other means. His delegation could not agree to the deletion of item 10.

65. Ms. COURTNEY (Australia) said that while she agreed that item 10 should be retained, she could not accept the inclusion of the phrase "without military alliances".

66. Since the heading of the item referred to "regional and other means", it might be a good idea to refer to "other means" in the paragraphs as well.

67. Mr. KRASULIN (Union of Soviet Socialist Republics) said that it was essential to include a provision relating to the regional approach, which was one of the most effective means of strengthening international peace and security.

68. He agreed that the Indian proposal fit more appropriately under item 14. However, the amendment reflected the spirit of the cold war and did not take into account the very positive changes which had occurred in the world during the past few years. Moreover, the amendment dealt only with the obligations of States outside the region, whereas it was necessary to balance the obligations of States from both within and outside the region.

69. Mr. HAGOSS (Ethiopia) suggested that the heading of item 10 could be amended to read "Promotion of international security through regional arrangements and mechanisms". He agreed that the phrase "without military alliances" - which undermined the positive thrust of item 10 - should be deleted from the first paragraph. The phrase in question could be accommodated elsewhere.

70. Mr. NAIMI-ARFA (Islamic Republic of Iran) agreed with the representative of the USSR that it was important to balance the obligations of States, from both within and outside the region. His delegation could not agree to the deletion of the phrase "without military alliances". The concept presented in item 10 should be retained unchanged.

71. Mr. MAHMOOD (Pakistan) agreed with the representatives of Ethiopia and the Soviet Union. Both the intra-regional and the extra-regional elements of the situation in the Indian Ocean must be taken into account.

72. Mr. JAIN (India) said that he originally had proposed the deletion of item 10 because the content already was reflected in item 7 and he wished to avoid duplication. Moreover, he did not wish to overemphasize an element which, although important in itself, should not be given undue weight in the context of the 1971 Declaration. Item 10 referred in particular to regional cooperation, as did the second paragraph of item 7. The heading of item 7 referred to individual and collective self-defence. In the light of the discussion, he could agree to the deletion of the second paragraph of item 7; however, if delegations preferred, it could be shifted to item 10. He insisted that the phrase "without military alliances" in the first paragraph should be retained.

73. While it was true that there was some similarity between his delegation's proposed new version of item 10 and item 14, his delegation's amendment was more in keeping with the spirit of the 1971 Declaration. He would not object if delegations preferred to consider the amendment when the Committee took up item 14.

74. To accommodate the suggestion by the representative of Ethiopia, he suggested altering the heading of item 10 to read: "Promotion of international security through regional arrangements and other means".

75. Mr. HAGOSS (Ethiopia) said that that was acceptable to his delegation.

76. Ms. COURTNEY (Australia) emphasized once again that her delegation would not accept the inclusion anywhere in the text of "dismantlement of military alliances" or "without military alliances". There was nothing to be lost by deleting the latter phrase, since that would not make any implicit judgement on the value of military alliances. Such phrases would have to be deleted if a consensus was to be reached.

77. Mr. AMBEYI-LIGABO (Kenya) agreed that it would not harm the interests of States to delete the phrase "without military alliances" from the first paragraph of item 10.

78. Mr. N. CHOWDHURY (Bangladesh) said that his delegation wished to retain the original language of the two paragraphs of item 10.

79. Mr. NAIMI-ARFA (Islamic Republic of Iran) said that his delegation could not support the deletion of the phrase "without military alliances". Its inclusion balanced the responsibilities of States from both within and outside the region.

80. Mr. JAIN (India) said that his delegation attached particular importance to the retention of the phrase "without military alliances", as it was fundamental to the Committee's work and to the 1971 Declaration.

81. Ms. COURTNEY (Australia) said that Australia was both a State in the region and a member of a military alliance. Other States in the region had also formed military alliances from time to time. It was therefore a contradiction to retain the phrase "without military alliances". Other countries which were not present considered themselves to be States in the region and they, too, would have difficulty with the retention of the phrase.

82. Mr. AL-ALFI (Yemen) said that the Committee was not discussing which States belonged to regional alliances and which did not. It was concerned with elaborating draft principles pertaining to the establishment of the Indian Ocean as a zone of peace. Since peace was the goal, and long-standing rivalries supposedly had been eliminated in the international arena, it was difficult to envisage attaining that goal if military alliances persisted.

The meeting rose at 1.05 p.m.